

## REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed September 22, 2004. In this response, claims 10-12, 17-18, 29-36, 39 and 50-54 are canceled without prejudice or disclaimer of the subject matter disclosed therein. Applicant reserves the right to prosecute any originally presented or canceled claims in continuation, continuation-in-part or a divisional application.

### I. Correction to Figure 2

A replacement drawing sheet for Figure 2 is enclosed. Figure 2 has been amended to add a numerical reference (240) that is disclosed in the Application (p. 3, ¶ 0032) but is not indicated in the Figure. No new matter has been added as a result of this amendment.

### II. Claims Rejected under 35 USC §103(a)

The Examiner rejected claims 1-54 under 35 USC §103(a) as being unpatentable in view of Knutson (U.S. Patent No. 6,557,100) and Seidman (U.S. Patent Publication No. 2003/0005166). Applicant respectfully traverses these rejections.

A *prima facie* obviousness rejection requires the Examiner to show that the prior art alone or in combination teaches or suggests all elements of the claimed invention. Applicant respectfully submits that the Examiner has failed to set forth a *prima facie* case of obviousness.

#### A. *Independent Claims 1, 37 and 40*

Independent claims 1, 37 (indirectly) and 40 recite in part (emphasis added):

deploying the undeployed application to a selected portion of the plurality of processing devices, such that the application is capable of being executed by the portion of the plurality of processing devices.

Knutson discloses a system for a caching Enterprise Java Beans (EJBs) such that when a EJB is deployed, a copy of it is cached on the server. Knutson, *Abstract*. Thereafter, if the EJB is redeployed, it is compared to the cached copy to determine if the associated deployment descriptors

or remote interfaces have changed. If there has been no change, then the cached copy is installed on the server without the need to regenerate and recompile the EJB code.

The Examiner admits that “Knutson does explicitly disclose that deploying of the undeployed application is deploying to selected portion of the plurality of processing devices.” See p. 3 of the Office Action. But the Examiner vaguely asserts that “Lan-based rules and session authentication” are equivalent to this feature of Applicant’s claim. However, Applicant notes that there is no mention of “LAN-based rules” or “session authentication” in Knutson. Furthermore, the relied upon text simply discusses a distributed computing environment, not the selection of processors to deploy applications on. The Examiner has failed to provide any evidence that would even suggest this feature of Applicant’s claims.

Furthermore, Seidman does not remedy the deficiency in Knutson. Seidman teaches deploying to a directory service, not a selected plurality of processing devices (Seidman, Abstract):

...the component manager including: a deployer that generates a client interface for each tracking component output port, and deploys the client interface in a directory service, wherein each entry is a tracking point object. In another embodiment, the deployer further generates a client interface for each tracking component input port, and deploys the client interface in a directory service, wherein each entry is a tracking point object.

Thus, Knutson and Seidman do not teach or suggest deploying an undeployed application to a selected portion of the plurality of processing devices. Accordingly, independent claims 1, 37 and 40 are not rendered obvious by the cited art for at least this reason. Claims 2-9 and 13-16 depend from claim 1. Claims 41-44 depend from claim 40. Accordingly, the dependent claims are patentable for at least the reason given in connection with the claims from which they depend.

B. *Independent Claims 19, 38 and 45*

Independent claims 19, 38 (indirectly) and 45 recite in part (emphasis added):

for each application file, deploying the application object contained in the application file when the application file is absent from the list of all the files associated with previously deployed application objects

This feature of Applicant's claims indicates that an application object is deployed if the application file for the object is not on a list of files associated with previously deployed application objects. In contrast, Knutson discloses that "if the EJB is redeployed, it is compared to the cached copy to determine if the deployment descriptors or remote interfaces have changed. If there has been no change, then the previously deployed EJB is installed on the server...." Knutson, col. 2, lines 40-48. Thus, Knutson teaches that a comparison of remote interfaces or deployment descriptors is required to avoid regenerating an EJB whereas Applicant's claims merely require determining if an application file is absent from a list to avoid redeploying an application object.

Seidman does not remedy the deficiency in Knutson. Seidman teaches that "DeploymentCoordinator 330 handles deployment of new TrackerBeans and tracking point networks. ... Whenever DeploymentCoordinator 330 detects a new TrackerBean deployment file, it reads each of the components in the deployment file, along with the component's associated deployment descriptors." Seidman, ¶¶ 27-28. Thus, Seidman implies that TrackerBeans are deployed regardless of whether they have been previously deployed.

Thus, Knutson and Seidman do not teach or suggest deploying the application object contained in the application file when the application file is absent from the list of all the files associated with previously deployed application objects. Accordingly, independent claims 19, 38 and 45 are not rendered obvious by the cited art for at least this reason. Claims 20-28 depend from claim 19. Claims 46-49 depend from claim 45. Accordingly, the dependent claims are patentable for at least the reason given in connection with the claims from which they depend.

### **III. Conclusion**

In view of the above, it is respectfully submitted that all of the Claims now pending in the subject patent application should be allowable, and reconsideration thereof is respectfully requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date:

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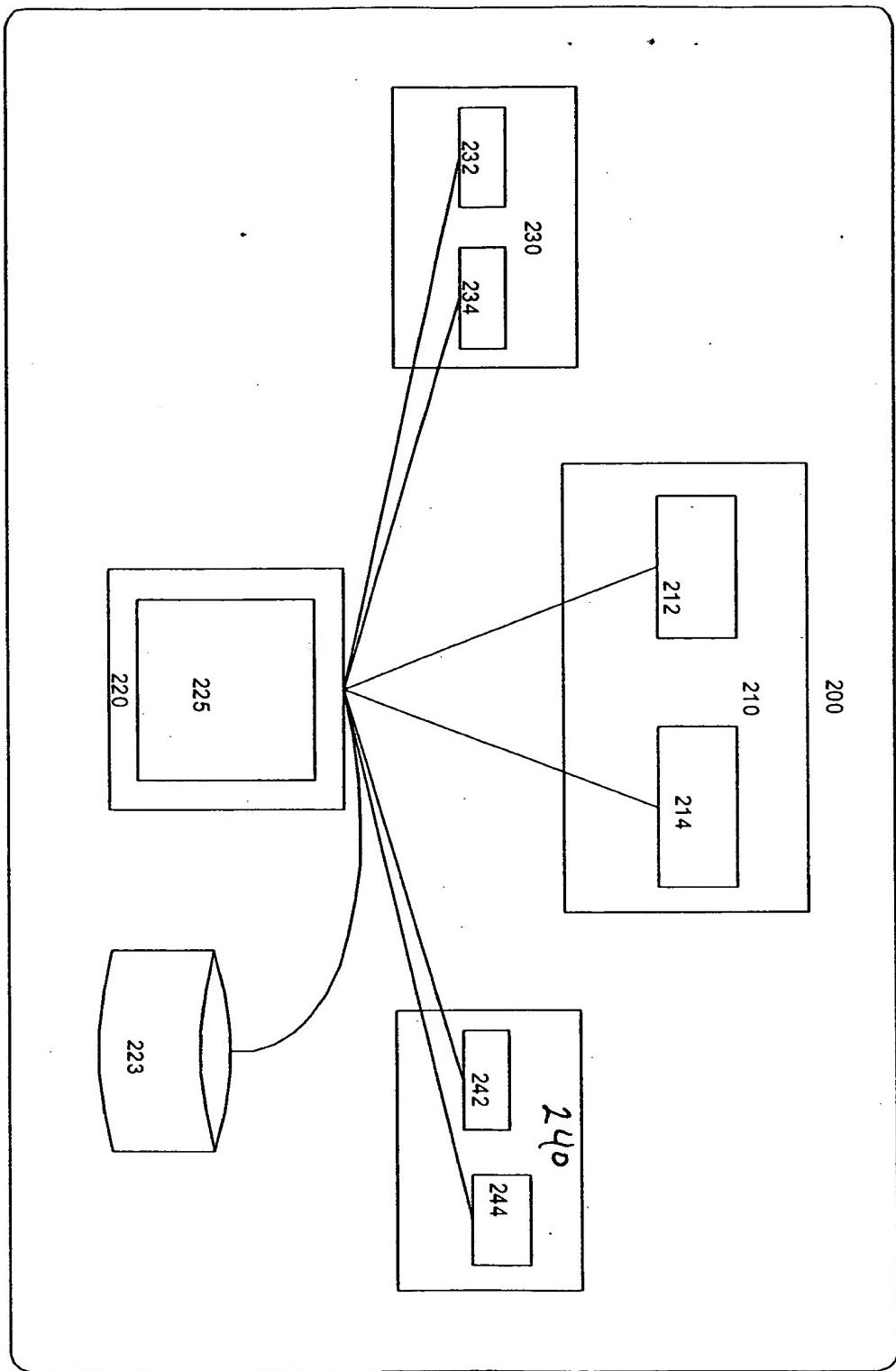


Fig.2